IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 3RD NOVEMBER 2006 / 12TH KARTHIKA 1928

Bail Appl..No. 6299 of 2006

CMP.6963/2006 of J.M.F.C.-I,NEYYATINKARA
CRIME NO.708/2006 OF NEYYATINKARA POLICE STATION

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PETITIONER/ACCUSED (A1)

BIJU, S/O. LILLY, AGED 24,
PERUVAMBILA VEEDU, ERUMBIL HOUSE,
NEYYATTINKARA VILLAGE.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED BY
THE DIRECTOR GENERAL OF PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6299/2006

DATED THIS THE 3RD DAY OF NOVEMBER, 2006

O R D E R

The petitioner is accused in crime No.708/2006 of Neyyattinkara Police Station, for the offence punishable under Sections 452, 354, 324 and 511 of 376 IPC read with Section 34 IPC. Hence this application.

2. It is alleged that on 19.9.2006 at 10.30 p.m., the accused, three in number, had trespassed into the house of the defacto complainant, a 55 year old deaf and dumb woman, and committed rape on her. However, relying on the wound certificate, issued by the doctor from the W & C hospital, Thycaud, Thiruvananthapuram, and the local hospital at Neyyattinkara, the final opinion for the offence punishable under Section 376 IPC, is kept reserved. The petitioner was arrested on 26.9.2006. The other accused had not so far been arrested, submits the prosecution.

3. Considering the submissions made by either

side and the materials that are placed before me, I grant bail and release the petitioner from jail, subject to the following conditions:

(a). The petitioner shall execute a bond for Rs.20,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Neyyattinkara.

(b). The petitioner shall report before the Investigating Officer, once in a week on every Tuesday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 7.11.2006.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs